

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PAUL MATHEW ROMERO,

Plaintiff,

v.

Civ. No. 23-410 GBW

MARTIN O'MALLEY,
*Commissioner of the Social Security
Administration,*

Defendant.

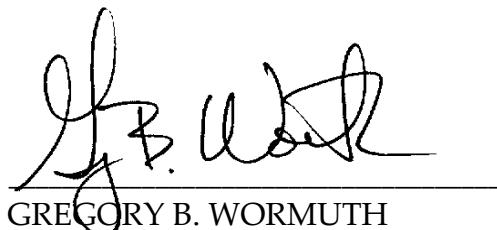
ORDER GRANTING STIPULATED ATTORNEY FEES

THIS MATTER comes before the Court on Plaintiff's Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, with Memorandum in Support. *Doc. 26.* The parties have stipulated to an award of \$7,003.90 in attorney fees to Plaintiff and reimbursement of the filing fee of \$402.00 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA").

IT IS HEREBY ORDERED that Plaintiff is awarded \$7,003.90 in attorney fees and reimbursement of the filing fee of \$402.00 under the EAJA. The EAJA fees will be paid to Plaintiff but delivered to Plaintiff's attorney. *See Astrue v. Ratliff*, 560 U.S. 586, 595–98 (2010); *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007); *Brown v. Astrue*, 271 F. App'x 741, 743–44 (10th Cir. 2008) (unpublished).

IT IS FURTHER ORDERED that, if Plaintiff's attorney ultimately receives an award of attorney fees pursuant to 42 U.S.C. § 406(b), said attorney must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED.



GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE
Presiding by Consent